

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 02280.003300.	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 03/25439	International filing date (day/month/year) 14/08/2003	(Earliest) Priority Date (day/month/year) 14/08/2002
Applicant  MARS, INCORPORATED		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

## 4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

SNACK HAVING A SOFT EDIBLE LAYER AND METHOD OF MAKING

## 5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

## INTERNATIONAL SEARCH REPORT

Application No

PCT/US 03/25439

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23L1/36 A23L1/00 A23L1/212 A23L1/164 A23G3/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23L A23G

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, FSTA, MEDLINE, BIOSIS

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02 11554 A (PROCTER & GAMBLE) 14 February 2002 (2002-02-14) page 5, line 15 -page 9, line 21 claims; examples ---	1-18
X	WO 00 54606 A (AVEBE COOP VERKOOP PROD ;SIEPEL UGO (NL); BUWALDA-PIETER LYKLE (NL) 21 September 2000 (2000-09-21) examples 1-4 ---	1-10, 13-16, 18
X	US 6 156 361 A (GILGEN JOHN F) 5 December 2000 (2000-12-05) figure 1 column 2, line 50 -column 3, line 63 --- -/--	1-10, 12-16, 18

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

\*Z\* document member of the same patent family

Date of the actual completion of the international search

5 December 2003

Date of mailing of the international search report

17/12/2003

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

Application No

PCT/US 03/25439

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 99 34691 A (LEE DE NV SARA) 15 July 1999 (1999-07-15) page 1, line 25 -page 5, line 4 claims; examples	1-10, 13-16,18
X	US 5 571 546 A (KRISTINUS CON L ET AL) 5 November 1996 (1996-11-05) column 6, line 20 -column 10, line 63 examples	1-10, 13-16,18
X	US 2002/090421 A1 (CROSS JAMES C ET AL) 11 July 2002 (2002-07-11) the whole document	1-10, 12-16,18
X	WO 99 25202 A (HUNKELER PETER) 27 May 1999 (1999-05-27) claims; figures	1-10, 13-16,18
X	US 4 961 943 A (BLANTHORN MICHELE ET AL) 9 October 1990 (1990-10-09) the whole document	1-10, 13-16,18
X	US 4 663 175 A (WERNER JOHN ET AL) 5 May 1987 (1987-05-05) the whole document	1-10, 13-16,18
X	US 3 184 316 A (DOAN CHARLES A ET AL) 18 May 1965 (1965-05-18) the whole document	1-10, 13-16,18
X	GB 1 247 979 A (CPC INTERNATIONAL INC.) 29 September 1971 (1971-09-29) page 1, line 50 - line 70	1-10, 13-16,18
X	WO 01 62105 A (RECOT INC) 30 August 2001 (2001-08-30) the whole document	1-10, 13-16,18
X	RIEDEL H R: "Precoating of centres" CONFECTIONERY PRODUCTION, SPECIALISED PUBLICATIONS LTD. SURBITON, GB, vol. 62, no. 2, 1996, pages 86-87, XP002221518 ISSN: 0010-5473 examples	1-5,14, 15

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US 03/25439

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☒ Claims Nos.: 1,3,14 (partial)  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1,3,14 (partial)

Present claims 1, 3 and 14 relate to a product and method defined (inter alia) by reference to the following parameters:

P1: water activity

P2: hardness value

The use of these parameters in the present context is considered to lead to a lack of clarity within the meaning of Article 6 PCT. It is impossible to compare the parameters the applicant has chosen to employ with what is set out in the prior art. The lack of clarity is such as to render a meaningful complete search impossible. Consequently, the search has been restricted to the subject-matter as defined in their dependent claims, as the examples and the description were not relevant in this particular case.

Independent of the above reasoning, after the excision of the parametric features from the affected claims, they relate to an extremely large number of possible products. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the products. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been restricted to the subject-matter as defined in their dependent claims, as the examples and the description were not relevant in this particular case.

In addition, claim 14 relates to a product defined by reference to a desirable characteristic or property, namely "microbiologically stable for at least 3 months".

The claims cover all products/compounds/methods/apparatus having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such products/compounds/methods/apparatus. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the product/compound/method/apparatus by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely the rest of the features.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

Application No

PCT/US 03/25439

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0211554	A	14-02-2002	AU 8117601 A	18-02-2002
			CA 2422731 A1	14-02-2002
			WO 0211554 A2	14-02-2002
			US 2002051837 A1	02-05-2002
WO 0054606	A	21-09-2000	AT 245363 T	15-08-2003
			AU 3335300 A	04-10-2000
			BR 0008985 A	26-12-2001
			CA 2364036 A1	21-09-2000
			CN 1343097 T	03-04-2002
			DE 60004023 D1	28-08-2003
			EP 1161155 A1	12-12-2001
			JP 2002538799 T	19-11-2002
			WO 0054606 A1	21-09-2000
US 6156361	A	05-12-2000	NONE	
WO 9934691	A	15-07-1999	WO 9934691 A1	15-07-1999
US 5571546	A	05-11-1996	NONE	
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WO 9925202	A	27-05-1999	CH 692264 A5	30-04-2002
			AT 243431 T	15-07-2003
			WO 9925202 A1	27-05-1999
			DE 59808843 D1	31-07-2003
			EP 1030564 A1	30-08-2000
			HU 0004749 A2	28-04-2001
US 4961943	A	09-10-1990	CA 2019987 A1	22-07-1991
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US 3184316	A	18-05-1965	NONE	
GB 1247979	A	29-09-1971	NONE	
WO 0162105	A	30-08-2001	US 6294208 B1	25-09-2001
			AU 3687301 A	03-09-2001
			WO 0162105 A1	30-08-2001